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March 20, 2020

VIA CM/ECF

Honorable Judge Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Vuppala v. BenSusan Restaurant Corp., et al.
Case #: 1:17-cv-08402-PAE

Dear Judge Engelmayer:

The undersigned represents the Plaintiff in the above-captioned case matter.


Due to the ongoing health crisis caused by the COVID-19 pandemic, and the tumultuous economic effects it is causing to virtually all businesses open to the public (including possible complete closures), such as the business involved in this matter, Plaintiff's undersigned counsel hereby respectfully requests that the Court grant a thirty (30) day stay of all deadlines and/or Conference in this matter.

Further, since undersigned counsel is based in Florida, an in-person Conference would require possible unsafe roundtrip travel from Florida to New York (in both of which official states of emergency has been declared). In fact, recently a passenger on a similar JetBlue flight from New York to Florida had tested positive for COVID-19. In addition, undersigned counsel suffers from an underlying asthmatic-type health condition which, potentially, would be adversely affected by the COVID-19 virus. However, in the event that the Court decides not to stay this matter, then, in the alternative, undersigned counsel respectfully requests that any future Conference be conducted telephonically, which is in accordance with SDNY's Chief Judge Coleen McMahon's recent March 13, 2020 Standing Order that "Judges are strongly encouraged to conduct court proceedings by telephone or video conferencing where practicable."

The Court may wish to note that this is undersigned counsel's first request to stay this matter. Thank you for your consideration of this unexpected, but essential, request.

3/23/2020

Granted. However, plaintiffs has had more than 2 years to move for a default judgment and has failed to do so. Accordingly, plaintiff has 7 days, once the 30-day stay is complete, to move for a default judgment; otherwise, the court **will dismiss this action for failure to prosecute.**
SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

Sincerely,

By: /s/ B. Bradley Weitz
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